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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. 1:98CR05079 OWW
12 Plaintiff,) v.)
13)
14 SOCRATES G. DOMINGO,) MOTION TO DISMISS INDICTMENT
15 EMMANUEL G. UMALI, and) AGAINST EVELINA SABIO
16 EVELINA P. SABIO,)
Defendants.)
17

18 Plaintiff United States of America, by and through its
19 undersigned counsel, and pursuant to Fed. R. Crim. P. 48, moves to
20 dismiss the indictment in the above-captioned action filed on March
21 6, 1998.

22 It is the government's belief that Evelina Sabio learned of the
23 investigation in the underlying case (and a corresponding case out
24 of the Sacramento division, United States v. Martin S. Rosman, CR.S.
25 98-00383 EJG) and fled the country to avoid charges. More than
26 eight years have passed since the indictment was returned in this
27 case.

When the defendant was arrested in Las Vegas in June 2007 she was interviewed and admitted, at least in part, to some of her involvement with the illegal activity charged. The government proceeded to review and evaluate the evidence still in its possession and otherwise available to the government. Notwithstanding the partial confession, the government has concluded that given the passage of time there is insufficient evidence available to move forward with the criminal prosecution of this defendant as charged.

Accordingly, the government respectfully requests that the Court dismiss the indictment against Evelina Sabio and release her from custody ordered as a result of the indictment in the above-referenced case.¹

DATED: July 10, 2007

MCGREGOR W. SCOTT
United States Attorney

By: s/s Mark E. Cullers
MARK E. CULLERS
Assistant U.S. Attorney

¹ It is not known to the government at this time if Evelina Sabio will still be subject to detention on the basis of immigration concerns. She is also subject to detention in the Sacramento case mentioned above. A Motion to Dismiss the Sacramento case has been filed on the same grounds.

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10 UNITED STATES OF AMERICA,) No. 1:98CR05079 OWW
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12 v.))
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16

17 ORDER

18 Based on the motion of the government, and GOOD CAUSE APPEARING
19 THEREFORE, the Court hereby orders that the indictment against
20 Evelina Sabio, on March 6, 1998, be and is hereby dismissed.
21 Effective the date of this Order, Evelina Sabio shall be released
22 from custody ordered as a result of the indictment in the above-
23 referenced case.

24 IT IS SO ORDERED.

25 Dated: July 11, 2007

/s/ Oliver W. Wangen
UNITED STATES DISTRICT JUDGE